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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,227	12/21/2001	Kazunori Sakurai	9319S-000305	3493

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HARNES, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

PRENTY, MARK V

ART UNIT	PAPER NUMBER
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2822

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DATE MAILED: 11/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/032,227

Applicant(s)
SAKURAI

Examiner
Prenty

Art Unit
2822



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 29, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) 10-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 8, and 9 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6, and 7 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Dec 21, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

This Office Action is in response to the election filed October 29, 2002.

Applicant's election with traverse of Group I, claims 1-9, is acknowledged. The traversal is on the ground that "both groups of claims are drawn to subject matter which are so related to each other that an undue burden would not be placed upon the Examiner by maintaining both groups of claims in a single application." The traversal is not persuasive. It would be a serious burden to search and examine the Group I and Group II claims together, as evidenced in part by their different classifications. The requirement is still deemed to be proper and is thus made FINAL.

Claims 10-21 are withdrawn from further consideration by the examiner as being drawn to a non-elected invention (37 CFR 1.142(b)).

Claims 1, 8 and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by Klein (United States Patent 3,283,207).

With respect to independent claim 1, Klein discloses an optical device (see the entire patent, particularly the Fig. 2 disclosure) comprising: a substrate "20" (such should be "18" - see col. 4, lines 71-75) including a through hole; an optical element mounted on the substrate and having an optical section 15 placed to face the through hole; and a light transmissive member 30 disposed at the through hole.

Claim 1 is thus rejected under 35 U.S.C. §102(b) as being anticipated by Klein.

With respect to dependent claim 8, Klein's optical device further comprises an electronic element other than the optical element mounted on the substrate (see column 1, lines 26-45, and column 3, lines 21-32 and 40-53).

Claim 8 is thus rejected under 35 U.S.C. §102(b) as being anticipated by Klein.

With respect to dependent claim 9, Klein further discloses an electronic apparatus comprising the optical device set forth in claim 1 (see col. 4, lines 32-35).

Claim 9 is thus rejected under 35 U.S.C. §102(b) as being anticipated by Klein.

Claims 1, 4 and 5 are rejected under 35 U.S.C. §102(b) as being anticipated by Tillays et al. (United States Patent 3,508,100).

With respect to independent claim 1, Tillays et al. disclose an optical device (see the entire patent, particularly the Fig. 3 disclosure) comprising: a substrate 11 including a through hole; an optical element 1-8 mounted on the substrate and having an optical section 2 placed to face the through hole; and a light transmissive member 9 disposed at the through hole.

Claim 1 is thus rejected under 35 U.S.C. §102(b) as being anticipated by Tillays et al.

With respect to dependent claim 4, Tillays et al's light transmissive member 9 is in a lens shape.

Claim 4 is thus rejected under 35 U.S.C. §102(b) as being anticipated by Tillays et al.

With respect to independent claim 5, Tillays et al. disclose an optical device (see the entire patent, particularly the Fig. 3 disclosure) comprising: a substrate 11 including a through hole; an optical element 1-8 mounted on the substrate and having an optical section 2 placed to face the through hole; and a lens 9 provided on the substrate and covering the through hole.

Claim 5 is thus rejected under 35 U.S.C. §102(b) as being anticipated by Tillays et al.

Claim 2 is objected to as being dependent on a rejected base claim (i.e., claim 2 would be allowable over the prior art of record if claim 2 were amended to further include all the limitations of independent claim 1).

Claim 3 is objected to as being dependent on a rejected base claim (i.e., claim 3 would be allowable over the prior art of record if claim 3 were amended to further

include all the limitations of independent claim 1).

Claim 6 is objected to as being dependent on a rejected base claim (i.e., claim 6 would be allowable over the prior art of record if claim 6 were amended to further include all the limitations of independent claim 5).

Claim 7 is objected to as being dependent on a rejected base claim (i.e., claim 7 would be allowable over the prior art of record if claim 7 were amended to further include all the limitations of independent claim 5).

Registered practitioners can telephone examiner Prenty at (703) 308-4939. Any voicemail message left for the examiner must include the name and registration number of the registered practitioner calling, and the application's Serial Number. Technology Center 2800's general telephone number is (703) 308-0956.

Mark Prenty
Mark V. Prenty
Primary Examiner